

Innocence Lost: Three Constructions of Juvenile Crime

An Honors Thesis (HONRS 499)

by

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A handwritten signature in black ink, reading "Justen Infinito Ph.D.", written over a horizontal line.

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Abstract

This thesis is a critique of the juvenile justice system through an exploration of three court cases. The Bulger case in England, the Crucifixion killing in America, and the Trondheim case in Norway serve as a backdrop for the identification of recent trends in juvenile justice, specifically in the United States. Although the cases appear similar, their resulting convictions and outcomes are starkly different. This variation in endings gives life to the second part of the study where three themes are identified in the treatment of each case. In the first section, the idea of criminal responsibility is explored using psychological research on the moral reasoning of children. The second segment identifies rehabilitation as a viable option for treating most juvenile offenders as compared to harsher punishments seen in recent years. The final section explores the influence of media on the juvenile justice system and the resulting outcomes in legislation from the false portrayal of juveniles in the press. These three sections work together to establish a critique of the juvenile justice system as seen through the eyes of children and their advocates who have been through the process.

Violent crime arrests grew 94% between 1980 and 1994 for children under the age of fifteen in the United States (Butts, 1997). In recent years, statistics such as this inspired international scrutiny of the American justice system. Where has society failed these youngsters? What motivates children to start a life of horrific crime? Some people blame violence in the media as one such source; others blame undesirable family situations and rough neighborhoods. Something yet undetermined has prompted youngsters to commit crimes and sometimes suffer adult consequences in return. The United States has not been the only society that has seen the horrors of juvenile crime in the 20th and 21st centuries. Both England and Norway have produced child murderers, no less vicious in their deeds. The difference between these cases, however, lies in the way society has reacted to the respective crimes. By looking at three examples of juvenile crime- the Bulger Case in England, the Crucifixion killing in the United States, and the Trondheim Murder in Norway, one can see the effects of media influence, variations in the age of criminal responsibility, and debate over punishment versus rehabilitation as they apply to each case.

The Case Studies

In Pacific Heights, California, a disadvantaged neighborhood of San Francisco, two brothers, Bobby and Billy, were playing in a park near their home during the spring of 1971. The unsupervised boys, ages ten and seven respectively, went there often after school while their divorced father was at work. On April 14th, the brothers came across Noah, the two-year-old son of Melanie Alba, who became separated from his mother while she was watching her children play in the park. Bobby and Billy thought the child was lost and began to ask people if the boy belonged to them. No one could claim him, so the

brothers led him to one of their favorite places- an abandoned basement of a nearby building.

At first, the boys claimed to be playing with Noah, but when the two-year-old began crying for his mother, their play turned to slapping and hitting. The violence increased to include throwing bricks and sticks, and soon the child lay bruised and still on the ground. According to reports of the crime, the brothers panicked and tried to revive the child. To no avail, the older brother, Bobby, suggested removing Noah's clothing and tying him to a makeshift wooden cross in the corner of the room. One commentator explained Bobby's actions: "the cross formation grew out of his knowledge of Jesus Christ and a naive belief that the baby could be resurrected, too." The boys left the scene and confessed to murder a few days later after questioning by the city police (Ferdinand, 2001).

Twenty-two years later in England, two other boys, both ten years old, committed a crime strikingly similar to the Crucifixion Murder of 1971. On February 12, 1993, Robert Thompson and Jon Venables were loitering in the Bootle Strand Shopping Center, after deciding to 'cut' school that day. The boys had been shoplifting throughout the morning, but then decided to steal something more precious than the items stuffed in their coat pockets. The boys came across James Bulger, two-year-old son of Denise Bulger, as she bought some meat at the butcher's shop at the shopping center. Jon and Robert led James out of the mall and along a canal in Liverpool, kicking and slapping the child when he began to cry.

The boys walked a total of two and half miles with James, paying no particular attention to the route they chose or their final destination. The boys discussed taking

James to the police or even leaving the boy near another shop, but decided against it. James was tired and crying for his mother, so Jon and Robert walked him to the railroad track where they beat the child with various items and tortured him with paint they had stolen earlier that day. When they believed James was dead, the boys panicked and chose to leave the toddler on the railroad tracks, hoping that a train might cover up their horrible crime. The boys went home, and were arrested several days later due to the evidence shown on the shopping center surveillance camera (Scott, 2001).

Approximately one year later, on October 15, 1994, yet another juvenile murder occurred in Trondheim, Norway. Two boys, both six, were playing with their neighbor and friend, a five-year-old girl named Silje Raederg, on a snowy football field near their homes. The boys were rough housing with each other, and Silje chose to join in the 'fun'. All the children pushed each other around at first, but the boys eventually began to center their efforts on the girl. They repeatedly kicked, stoned, and hit Silje, knocking her unconscious. Then the children stripped the girl's clothing and left her on the freezing ground to die. The boys ran away in fear. The two later confessed to the murder of the little girl (Hattenstone, 2000).

The similarities between the three crimes are hauntingly apparent. All involve two boy children as perpetrators; all include a smaller, younger child as the victim. The scenes painted in each of the stories leading up to the crime appear to be very typical childlike play. (Although Thompson and Venables were truant from school, their actions at the Strand shopping center can be described as childish.) In each case, the boys committed murder. However, after each crime, all the children felt remorse and responsibility for their actions. Bobby and Billy tried to 'resurrect' the lifeless Noah (Ferdinand, 2001). Robert

Thompson laid a flower on baby James' memorial prior to his arrest. Jon Venables cried hysterically and begged his mother to tell James' family that he was sorry (Scott, 2001). The Norwegian boys apologized to Beate Raederg, Silje's mother (Hattenstone, 2000). Because of the crimes' striking similarities, it would seem that each case would have warranted comparable reactions. However, this is where the stories greatly differ.

America's juvenile justice system of the 1970s differed greatly from the institution as it exists today. The Crucifixion Murder happened at a time when child crime was on the decline, and as a result of the radical sixties, popular belief swayed toward rehabilitation over retribution for juvenile perpetrators (Wood, 1996). Therefore, Bobby and Billy were never prosecuted for the murder of Noah Alba. The charges were dropped partly due to their young age, but also because Melanie Alba attached no blame to the pair. In her words, "To kids, what's the difference between doing a thing like this or kicking a puppy (Ferdinand, 2001)?" Recent research has since drawn parallels between children's cruelty to animals and violent crimes later in life (Lockwood, 2000).

The public's reaction to the crime replicated the mother's sentiment. More people felt sorrow for the boys than vengeance. John Fotimos, a homicide detective assigned to the case, believed the brothers were not fierce. In a statement to the press, he said, "[Kids] need supervision, period, and apparently these guys ran amok, and it's not their fault, really...(Ferdinand, 2001)." The media also participated in the universal forgiveness of the boys. Although a local newspaper released the story about the crime with the headline: "Child's Murder Told by Cool 7-Year-Old", the boys' identities were not released ("Bobby" and "Billy" are simply false forenames). After the case was dismissed, the juvenile judge required each brother to go through two years of extensive counseling and

psychotherapy at a children's home. After this, the boys were returned to their mother (Ferdinand, 2001).

In an interview several years after the Crucifixion Murder, John Fotimos stated his opinion on the decision to not prosecute the children. "I think it would be criminal to [incarcerate] a 7-year-old and a 10-year-old...We don't even do that to animals, for crying out loud (Ferdinand, 2001)."

The manner in which the British juvenile justice system of the 1990s handled the Bulger murder stands in stark contrast to the sentiment expressed by Fotimos. Thompson and Venables were eleven when they were tried in an open court as adults in May 1993 and convicted for the murder of baby James. Although sentenced to a juvenile institution, the judge, Sir Michael Moreland, made it clear that the boys would be "securely detained for very, very many years (Scott, 2001)." The adult trial was the culmination of intense publicity about the two boys whose names and faces had been splashed across every form of media in England. Hours after James disappeared from the Strand Shopping Center, local news programs began airing the missing person story, showing the surveillance tape of the boys with the toddler. After the two had been arrested, pictures continued to accompany stories in the news about the killers and their backgrounds (Scott, 2001).

Denise and Ralph Bulger made many statements about the necessity of severe punishment for their son's murderers: "Those boys are evil. They must be locked up for life for what they did to James (Tay, 2001)." Vengeful rioters, backing the Bulgers, lined the streets of Liverpool, screaming death threats at the boys as they were transported to secure units to await trial. The boys did not receive counseling before the trial, as authorities thought it might alter their memory of the murder. After their sentencing, the

two were sent to separate facilities. When all was over, society knew Jon Venables and Robert Thompson as the evil heathens who killed James Bulger (Scott, 2001).

On many levels, Trondheim's response to Silje Raederg's murder mirrored the reactions of San Francisco to the death of Noah. Norway's age of criminal responsibility is 15, so the six-year-old boys did not face prosecution. Instead, the children were rehabilitated by counseling with a court appointed psychologist, Trond Andreassen. The day after the boys confessed to the murder, authorities called town meetings at nearby schools to inform the public of the incident. At the forums, the people were assured that the town was safe, and there was no need for violent reactions to the crime. Many proclaimed grief for the young boys, calling them victims. Beate Raederg, like Melanie Alba, did not blame the children either. "They were Silje's friends... They were punished enough for what they did (Hattenstone, 2000)." The media, which did not report the story until after the town meetings, never named the boys. After a few weeks of therapy, the boys returned to school under the Andreassen's supervision at all times. In response to the nurturing therapy of the killers, the psychologist replied, "I don't think making them suffer is the way to make them realize what had happened" (Hattenstone, 2000).

In each of the three stories, a clear path was constructed for the juvenile criminals to follow by society's response to the respective crimes. For Billy, Bobby, and the Norwegian boys, the community wanted therapy and forgiveness. For Jon and Robert, the public shouted for justice and revenge. The question thus remains; how did these reactions affect the outcome of each child?

A follow-up interview was done with Bobby, now a 41-year-old husband and father. He adamantly believes that the nurturing treatment he received after the crime

helped create the positive life he leads today. "I was a child. Everybody was a child at one time, and people change. People with the wrong direction can change in the right direction over time. I feel if I were locked up for an adult term for what I did I would be a much harder person (Ferdinand, 2001)." Bobby has not committed another crime since the murder, but sadly this is not the case for his younger brother. Billy was convicted of minor offences as a juvenile, but then graduated into substance abuse and child abuse as an adult. His older brother claims that Billy's troubles probably stem from following Bobby's example in the killing. Bobby feels responsibility for his brother, but also says "at the core, Billy is a good person (Ferdinand, 2001)."

Almost nine years have passed since James Bulger's murder, however the case is still fresh on the lips of many British citizens. The crime was revisited several times during the nineties when various officials began tampering with Thompson and Venables' sentence in reaction to public outrage to its short length. Home Secretary Michael Howard took the unprecedented step of lengthening the sentence to fifteen years. Eventually, the Lord Chief Justice Woolf decided it was most appropriate to reinstate the original sentence of eight years. At the end of their term, Jon Venables was reported as being no longer a threat to society. Robert Thompson was working on an Open University degree (Scott, 2001). Every report on the boys by professionals who worked with them supported their parole application (Tay, 2001).

However, when the boys were released in 2001 it was to an angry mob of protestors, no less violent than 1993 when the two were first indicted. The boys were given new identities and secret homes to ease the transition into society. No one is supposed to know their whereabouts, but many people, including James' parents, are

determined to find out. Ralph Bulger stated he would “hunt his son’s killers down,” after hearing of their release (Tay, 2001). Denise Fergus (now remarried) started a campaign called “Justice for James”, drumming up support for a longer prison sentence for the boys. She said that she would not actively try to find the boys, but would not feel bad if someone else did (Fergus, 2001). Robert Thompson’s family was forced into hiding after his mother, Ann, was attacked and threatened. In a letter sent to BBC’s *Panorama*, the mother begged for her son’s safety. She wrote, “Two appalling wrongs do not make a right (Scott, 2001).”

In Norway, nothing is said about the murder that happened there seven years ago. In fact the media has not gone back to revisit the case, because there has been no public demand. Not much is known about the now thirteen-year-old boys. In a 2001 report, Trond Andreassen claimed that one boy had completely assimilated with his peers. The other boy, however, was not doing as well. The psychologist hinted at child abuse as the cause of this, there is no conclusive evidence to support that explanation. At any rate, because of the lack of publicity concerning the crimes, the boys have easily managed to keep their anonymity from the outside world. Yet, in the close-knit town of Trondheim, it was easier to identify the child murderers. This did not seem to have an effect on the community’s acceptance of the boys after the crime. Both were greeted back at school with open arms (Hattenstone, 2000).

When analyzing the various outcomes of the children in each crime, a few trends surface. In the two cases where therapy was used instead of retribution, one child recovered fully while the other had problems. Research supports this outcome on children who undergo intervention at an early age: roughly half continue to have serious

psychological problems throughout their adult life (Ferdinand, 2001). Although one can only speculate what will happen to Thompson and Venables in their lives, the prognosis is not promising for either young man. Although they appeared to be functioning normally in their secure units, it was a controlled environment. Now that they are living in a possibly vengeful and bitter society, they constantly have to redefine themselves under a new façade. They live in fear that their identities will be revealed, and through this, they deal with the consequences of killing James on a daily basis. If the goal of juvenile justice is to rehabilitate a criminal to lead a normal life, the two boys are falling very short of the mark. Even if the boys do not become repeat offenders, they will lead lives full of lies, regret, fear, and agony.

It is also difficult to discern any benefit to society in the course that was steered in the Bulger case. By constructing such a bleak future for Thompson and Venables, society managed to ruin three children's lives. Thompson and Venables likely will never lead a normal existence. Also has justice served James- the little boy whose murder remains in the media spotlight?

Upon comparing the three cases, several conclusions can be drawn about the juvenile justice system. In turn, each of the following conclusions find support in empirical studies. First, it is ill advised to have a universal age to determine criminal responsibility of youth. Second, rehabilitation, when possible, is a more effective means of dealing with juvenile offenders than traditional methods of retribution. Last, successful rehabilitation requires insulating the juvenile offender from media scrutiny. Each of these conclusions has been a cornerstone in the debate over the proper administration of juvenile justice systems in the United States and other countries. These ideas also continue to be

rivalled by arguments for stricter laws and stronger retributive measures in the maze that has become the juvenile justice system.

Psychological Reinforcement of Criminal Responsibility

Most countries establish an age by which children are deemed mature enough to understand the consequences of their actions, and therefore can be formally charged and punished under the law. This concept is known as *criminal responsibility* (Day, 1997). Psychology plays a large role in the identification of criminal responsibility in children, mostly stemming from moral development research.

One developmental psychologist, Jean Piaget, developed a two-stage theory of moral development. The first stage, known as *heteronomous morality*, usually occurs between the ages of four to seven years. In this period, justice and rules are considered by the child only within the context of the consequences of his behavior. However, during the heteronomous morality stage a child does not understand that intent plays a significant role in guiding his behavior. For example, a child would reason that he/she would receive the same punishment for breaking a plate regardless of his intention to do so.

According to Piaget's theory, the child then graduates into a new stage of moral reasoning known as *autonomous morality* at the approximate age of ten. In this stage, the child recognizes that people create laws and rules to define the boundaries of actable behavior. Thus, the child considers his own intentions and the consequences of his behavior before he acts. Piaget identifies the time between the two stages as a period of limbo where the child reasons using parts of both stages. Children experience this limbo between the ages of seven and ten, but Piaget also notes that definite lines in development

cannot be drawn by age alone. Rather, moral development is dependent upon other types of development too, such as: cognitive, social, and physical (Piaget, 1932, as cited in Santrock, 1996).

Lawrence Kohlberg is another theorist often referred to by administrators within the juvenile justice system for his work concerning moral development in children. Kohlberg's theory includes three levels of moral logic: *preconventional* and *conventional* reached during childhood, and *postconventional reasoning* reached during adulthood, if at all. In the preconventional phase, children do not demonstrate internalization of moral values. Instead, moral reasoning is controlled by extrinsic rewards and punishments. Youth in the conventional reasoning phase abide by certain standards; but they are the standards of others, such as parents or the laws of society.

Like Piaget, Kohlberg found that the stages of moral development are age related, though not fixed, and occur sequentially. Most children are in the preconventional stage before they reach nine years of age. The conventional stage appears somewhere in early adolescence. Like Piaget, Kohlberg found that children reason using characteristics of both stages when they are in the process of moving from one stage to the next. This categorizes children around the ages of ten through twelve who are developing at a normal rate cognitively, socially, and physically.

Unlike Piaget, Kohlberg determined that moral reasoning continues to develop long into people's adult lives. Further, he did not expect every human to go through all the stages in their lives. (Only 10% of all people ever reach the postconventional level where all moral reasoning is based on a personal moral code and not others' standards (Kohlberg, 1981).)

Consequently, Kohlberg's moral reasoning theory was later tested to determine validity in both female and male genders. Carol Gilligan, one of Kohlberg's students, noted that Kohlberg's original study was only performed on male subjects. When she administered the same study on females, she noted that girls rarely progress beyond the conventional stage. She concluded that Kohlberg's theory does not apply to the female gender (Gilligan, 1993). However, Kohlberg's moral development findings should not be dismissed altogether: most juvenile offenders are male, including all the cases noted in this particular study.

In relating these moral development theories to juvenile crime, it becomes apparent that moral reasoning is a subjective trait when determining criminal responsibility in children. According to both Piaget and Kohlberg, children in the first stage of morality do not understand the extent of their actions in a greater society. In the second stage, youth do understand the difference between right and wrong based on societal rules. Yet, both theories acknowledge a transition period where the child reasons using ideas in both stages.

Thus, it is interesting that countries create different standards to determine the age of criminal responsibility regardless to the parallel findings of Piaget and Kohlberg. For example, in Thailand, the age of criminal responsibility is seven years old; in England, it is ten. Argentina does not prosecute youthful offenders until the child is sixteen. Norway's standard is set at fourteen (Day, 1997). The United States allows each state to determine the age of criminal responsibility. If a child is proven culpable in certain states, it could mean the difference between a trial as a juvenile or as an adult. Below is a table compiled

by the PBS television show, *Frontline* (Juvenile, 2001) to show ages of criminal responsibility in the United States.

STATE BY STATE WAIVER LAWS BY OFFENSE AND MINIMUM AGE						
In most States, no minimum age is specified in at least one judicial waiver, concurrent jurisdiction, or statutory exclusion provision for transferring juveniles to criminal court						
Minimum transfer age indicated in section(s) of juvenile code specifying transfer provisions, 1997						
NO MINIMUM AGE		10	12	13	14	15
Alaska	Nevada*	Kansas	Colorado	Illinois	Alabama	New Mexico
Arizona	Oklahoma*	Vermont	Missouri	Mississippi	Arkansas	
Delaware	Oregon*		Montana	New Hampshire	California	
Dist. of Columbia	Pennsylvania			New York	Connecticut	
Florida	Rhode Island			North Carolina	Iowa	
Georgia*	South			Wyoming	Kentucky	
Hawaii	Carolina				Louisiana	
Idaho*	South				Massachusetts	
Indiana	Dakota				Michigan	
Maine	Tennessee				Minnesota	
Maryland	Washington*				New Jersey	
Nebraska	West				North Dakota	
	Virginia				Ohio	
	Wisconsin				Texas	
					Utah	
					Virginia	
<p>* Other sections of State statute specify an age below which children cannot be tried in criminal court. This minimum age for criminal responsibility is 14 in Idaho, 12 in Georgia, 8 in Nevada and Washington, and 7 in Oklahoma. In Washington, 8- to 12-year-olds are presumed to be incapable of committing a crime. In Oklahoma, in cases involving 7 to 14-year-olds, the State must prove that at the time of the act, the child knew it was wrong.</p>						

In reviewing the table, it becomes evident that each state uses a different precedent to determine criminal responsibility. In relation to the three noted cases, 'Billy', Jon Venables, and Robert Thompson, all ten years old at the time of their crime, could have been tried as adults in twenty-four states and the District of Columbia. Yet, Piaget and

Kohlberg would easily place the three children, by virtue of age, in the transition phase of moral development: claiming their inability to reason as adults. We know from the cases that 'Billy' was not prosecuted in California due to his young age. Yet, Thompson and Venables, the same age as 'Billy', were tried as adults in the British court system. This inconsistency reflects the major problem associated with determining criminal responsibility in children by a set age.

Gerald Koocher and Patricia Keith-Spiegel (1990) shed light on the subject of criminal responsibility in their book, *Children, Ethics, and the Law*. Koocher and Spiegel identify the major reason for inconsistency in criminal responsibility from state to state does not stem from children's psychological profiles but from the severity of their crimes. According to the study, there is an increasing tendency to place children accused of serious crimes on trial as adults. This "trend reflects a growing public sentiment that dangerous children should not be 'let off the hook' simply by virtue of age (Koocher & Keith-Spiegel, 1990)." Yet, the authors also note that there are some jurisdictions that are more sensitive to children's rights and will not try minors as adults based on their crime. This inconsistency in standards is the biggest reason why criminal responsibility should always be calculated based on each individual suspect, regardless of his or her age or crime. As proven by moral research, the severity of a child's crime is not proportional to his ability to morally reason.

Rehabilitating Juvenile Criminals

In the history of the United States, the juvenile justice system has worked much like a pendulum. That is, the states have fluctuated back and forth between harsh punitive measures and rehabilitative actions through counseling. The movement from one concept

to the other, and then back again, occurs as successive administrators become convinced that one approach works and the other does not.

Proponents for retribution believe that juveniles must be 'taught a lesson' by serving time in detention. Where applicable, most retribution advocates agree that children should be tried as adults so they can see the consequences of their adult actions.

Supporters of this 'get-tough' approach claim adult sanctions keep dangerous juveniles off the streets. Yet the proponents of this argument do not look at the future when the youths are finally released from the adult prison.

Several studies have found that juveniles prosecuted as adults have significantly higher recidivism rates than children who remain in the juvenile justice system. For example, a 1996 Florida study found that minors prosecuted as adults were one-third more likely to reoffend than children processed entirely within the juvenile justice system. Moreover, the study established that children kept in the juvenile system were half as likely as those in adult prisons to commit serious crimes upon release (Bishop, 1996).

One of the major factors believed to cause juveniles to repeat offences is the lack of segregation in state prisons. Dale Parent, whose firm, Abt Associates, is conducting research on juveniles confined in adult prisons comments, "The majority of states follow a practice of dispensing young inmates into the general prison population.... [T]hey have no separate programs for them (Talbot, 2001) ."

In this regard, juveniles confined in adult facilities are deprived of counseling: one of the most effective rehabilitative programs of which juveniles in adult facilities are deprived is counseling. As opposed to the children in the juvenile system, youth in adult prisons have very limited access to group and individual therapy.

According to recent neuropsychological tests, lack of therapy can be extremely detrimental to a child's recovery. In this study, researchers at Harvard Medical School's McLean Hospital examine teenage behavior through neurological imaging. The doctors use a tool known as functional magnetic resonance imaging (fMRI) of the amygdala region of the brain. The doctors are able to watch the child's emotional responses through the amygdala which controls instinctual or 'gut' reactions. The images show that young teens are more prone to act with their 'gut' instinct when responding to emotion because their brains are not fully developed. In other words, some kids are more prone to act on impulse because of their brain's inability to first think through the action. This research could have a profound effect on the way that juveniles are treated in the justice system. James Fox, a professor of Criminology at Northeastern University, comments, "Teenagers may look like adults, dress like adults, act like adults, and even kill like adults- but they think like children (Talbot, 2001)." Thus, judges may start using brain research to better understand a child's motivation for committing a crime with each case they hear. Further, neuropsychological tests could help determine the placement of a child in the juvenile or adult system. Minors suffering from chronic impulsivity would be stronger candidates for counseling to help them make more informed and logical decisions.

The most convincing argument to keep children in the juvenile justice system revolves around the principles which founded the criminal justice system in the United States. Juvenile courts originated in Chicago in 1899 and began with the focus of rehabilitating children (Wood, 1996). Over one hundred years later, juvenile justice maintains this same focus. The system recognizes that children are developmentally different from adults, and therefore their behavior is impressionable. Juvenile judges

work hard to pull in families and community resources to help the rehabilitation of the children. In the adult criminal justice system, rehabilitation is not listed as a goal for the criminals. Punishment in this system is meant to serve as a deterrent for the accused from repeating an offense (Juvenile, 2001).

The obvious difference in philosophy seen in the two systems plays a profound role in the final outcome of each offender. Judge LaDoris Cordell, Superior Court of Santa Clara County, California comments on the differing approaches of the juvenile and adult justice systems:

The problem is that we're taking 14-year-olds, 15-year-olds, 16-year-olds, and we're giving up on them by sending them to adult prisons. We're saying, "You've committed a crime, and we're just going to give up on you. You're out of here, society has no use for you." We're throwing away these kids. And I have found, in my own experience, that there are salvageable young people who have committed some very horrible kinds of crimes, who are able to get their lives together and be productive members of society. I think it is a mistake to just carte blanche give up on these young people just because of the nature of the conduct, when there is so much more that goes into why that person got there at that point in time so young in their lives (Juvenile, 2001).

Cordell, much like other juvenile judges, believes that children should almost always be given a chance to rehabilitate through the juvenile justice system.

However, what happens to a child who continues to be convicted in juvenile court? Some experts speculate that the answer to reforming the juvenile justice system is to combine it with the adult system. This idea, known as *blended sentencing*, involves the sanctioning of serious and chronic youth offenders by both juvenile and adult criminal systems. One approach to this technique allows juvenile courts to impose both juvenile and adult charges simultaneously. If the child follows the conditions of the juvenile sentence, the adult sentence is withdrawn (Hansen, 2001). This appears to be a reasonable

answer to both arguments of rehabilitation and retribution. The child is first given the chance to correct his/her behavior through intervention techniques. At the same time, the child realizes that a bigger punishment could result if he/she is not compliant with the rehabilitative treatment.

In referencing the noted cases, retribution seemed to play a large part in the trial of Thompson and Venables in the James Bulger case. The juvenile boys were tried as adults due to public demand for a stricter sentence. Further, certain British officials took unprecedented steps to lengthen the boys' sentences. The actions taken in this case clearly reflected the goals of the angry society and not the boys' interests. The public wanted revenge from Thompson and Venables and as a result, the boys' perspectives were not taken into account in deciding their punishment. In this example, retribution was used to disguise anger felt by society. This should never be an option exercised in juvenile justice because the punishment does not reflect the crime and the criminals, but society's reaction to the incident. Unfortunately, in the United Kingdom, blended sentencing is not an exercised option. Had it been, the boys could have received both a rehabilitative and stringent sentence needed to deter further violent actions.

Insulating Juvenile Criminals from Media Scrutiny

In the Bulger case, the British society was deeply involved in the adult trial of Thompson and Venables. The boys' pictures were splashed across every media in the country during the murder case and resulting prosecution. The media clearly played a large part in the decision to prosecute the juveniles Thompson and Venables as adults. In

this way, media can take away from the central issues in juvenile court cases. Instead of centering on the case elements, the accused, and the question of criminal responsibility, the focus moves to the media's perception of these elements. This is a setback of the juvenile justice system in general.

In his article, *Hyping Juvenile Crime: A Media Staple*, Vincent Schiraldi identifies the media as a major source of the public's misconceptions of the juvenile justice system. Instead of portraying juvenile justice as a reform method, the media leads the public to believe that it is an institution where dangerous juvenile offenders can receive lighter, less effective sentences for their serious crimes. As a result, the media is responsible for people investing in the idea that the juvenile justice system is not doing an effective job of correcting violent criminal behavior in the nation's youth. For example, Schiraldi claims: "...[S]ince 1993, the homicide rate nationwide dropped by 20%. Yet since 1993, coverage of murders on the ABC, CBS, and NBC evening news increased by an astonishing 721% (1997)." Schiraldi uses this evidence to show the increasing trend for people to mistrust juveniles in general. Through media's depiction of certain high profile crimes in the 1990s, a trend leaning toward more stringent prosecution of youngsters in adult prisons has surfaced.

Unfortunately, this movement toward stiffer sentencing also has driven public policy. U.S. Representative, Bill McCollum of Florida authored radical juvenile crime legislation throughout the late 1990s in response to the horrific depictions of youth in the media. His bills, known as the 'anti-superpredator' legislation, rallied for juveniles as young as thirteen to be jailed with adults, regardless of prior convictions. Representative McCollum said, "Instead of sending juvenile offenders back home to mama, they should

be thrown in jail, the key should be thrown away and there should be very little or no effort to rehabilitate them (McCollum, 1996 as cited in Hansen, 2001).” As this statement indicates, McCollum believes a crackdown on juvenile perpetrators would serve as warning to other impressionable youth. However, through statements like this, politicians and the media have created a sensationalistic atmosphere that has only made people afraid of living in their generally safe neighborhoods.

This growing fear of youthful offenders has also had a profound effect in the administration of the juvenile court system. As a response to the ‘superpredator’ legislation in 1996, forty-five states expanded judicial transfer provisions, which made it easier for judges to move juvenile offenders to the adult system. During this wave of fear, more juveniles were tried and sentenced in adult court than before recorded in the United States (Juszkiewicz, 2000). Clearly the effects of the media had not only skewed the public’s view of the juvenile offenders, but it had warped the justice system too.

Luckily, the ‘superpredator’ phase of juvenile crime legislation died in the late nineties, and justice systems are moving slowly toward rehabilitative efforts in the new millennium. In fact during 2001, the U.S. Department of Justice awarded \$1.5 million in block grants to states that vowed to build up their juvenile justice programs (Hansen, 2001). However, it would be naive to forget the effects that media have had on public policy in the juvenile justice system as well as the outcomes of certain cases (e.g. the Bulger case) in the past. This is especially true in reference to both the San Francisco Crucifixion murder and the Trondheim case. Society has also seen the positive effects of the media in dealing with juvenile perpetrators through each of these examples. In both cases, the juveniles’ identities were fully concealed and the crimes were not blown out of

proportion. The outcomes of these cases in contrast to the Bulger case show that the media can profoundly influence the opinion of both the public and judges.

In looking at the juvenile justice system through the eyes of 'Billy', 'Bobby', Jon Venables, Robert Thompson, and the Norwegian boys, one can begin to understand the subjectivity involved in deciding the fate of a child. Yet, juvenile judges in every country should not ignore certain trends in research that have made profound differences in the lives of children. Such examples include the need for judging the criminal responsibility of each child based on that child alone and not setting a determining age. Judges also must not forget the possibility of rehabilitation in treating juvenile offenders. Although viewed by many as an easy punishment for violent children, this intervention technique has been reaching the goal of the juvenile justice system for years, and that is: curing criminal tendencies in children. Finally, one must remember the lasting influence of media in juvenile justice. Children have been wrongly prosecuted due to the skewed judgments made by the media involving juvenile crime. Each of these factors has played into decisions that changed the fate of many youngsters. These issues certainly had a hand in the final outcomes of the three cases discussed in this study. The unfortunate truth is that the world is beginning to look at juvenile justice as a holding pen for potentially harmful adult offenders. When a ten-year-old child commits a crime, society automatically looks at him with skepticism. What will this ten-year-old be doing when he is twenty? Thirty? Forty? How will our neighborhood ever be safe if he is not locked up for a long time? By jumping to these conclusions, the people have given up on a chance to change this child's life for the better. Instead of wondering about the child's future criminal record, they should imagine all the positive things that child might do after he is treated. The bottom

line is: children are children, and they deserve a fair chance to correct their criminal behavior.

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